



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

:

- v. -

:

RICHARD GAFFEY,

:

Defendant.

- - - - - X

RICHARD M. BERMAN, District Judge:

On the motion of the United States of America, by Geoffrey S. Berman, United States Attorney, by Sarah E. Paul, Assistant United States Attorney, of counsel, and with the consent of the defendant, RICHARD GAFFEY, by and through his counsel, William J. Lovett, Esq., and for good cause shown,

IT IS HEREBY ORDERED THAT:

1. The documents and other materials provided by the Government to the defendant in this action pursuant to Rules 16 and 26.2 of the Federal Rules of Criminal Procedure; Title 18, United States Code, Section 3500; *Brady v. Maryland*; or *United States v. Giglio*, shall be treated as "Confidential Information" if such documents, recordings, and other materials are:

- (a) Not otherwise publicly available; and
- (b) Contain and/or reflect any of the following:
  - (i) The name, address, date of birth, telephone number, e-mail address, social security number,

taxpayer identification number, driver's license number, financial account number, and/or any other personally identifying information of any individual;

- (ii) The bank records, credit card records, financial records, tax records, telephone records, immigration records, and/or personnel files of any individual.

2. Confidential Information disclosed to the defendant or to his counsel during the course of proceedings in this action:

(a) Shall be used by the defendant or his counsel only for purposes of this action.

(b) Shall not be disclosed in any form by the defendant or his counsel except as set forth in paragraph 2(c) below.

(c) May be disclosed by the defendant or his counsel only to the following persons (hereinafter "designated persons"):

(i) legal, investigative, secretarial, clerical, paralegal, and student personnel working on this action under the direction of defendant's attorneys;

(ii) independent expert witnesses and other potential witnesses for the defense, and investigators or advisors retained by defendant in connection with this action;

(iii) such other persons as hereafter may be authorized by the Court upon such motion by defendant.

(d) Shall be returned to the Government or destroyed following the entry of either a final judgment in this case, or, in the event of an appeal and/or the filing of a motion under 18 U.S.C. § 2255, immediately following the disposition of the appeal and/or the § 2255 motion, absent further Order of the Court. This Order also applies to any copies - electronic, hard copy, or otherwise - that may have been made.

3. The defendant and his counsel shall provide a copy of this Order to designated persons to whom they disclose Confidential Information pursuant to paragraph 2(c). Designated persons shall be subject to the terms of this Order.

4. With respect to Confidential Information, any filings with any court shall be governed by Rule 49.1 of the Federal Rules of Criminal Procedure.

5. The provisions of this Order, including paragraph 4 above, shall not be construed as limiting the use that the defendant and his counsel may make of any documents produced pursuant to this Order in any motion, hearing, or trial held in this action.

6. As to the defendant and his counsel, the provisions of this Order shall not apply to documents, recordings, and other materials that: (a) were produced by or seized from Elder Gaffey &

Paine; or (b) are in the defendant's possession independent of the Government's production in this action. Any such documents, recordings, and other materials shall not be treated by the defendant and his counsel as Confidential Information pursuant to this Order.

7. In the event of a change of counsel, subsequent counsel are bound by the terms of this Protective Order.

Dated: New York, New York  
January 8, 2019

SO ORDERED:

*RMB*

THE HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE

*By granting this application, the  
Court is making no finding re:  
confidentiality duration, etc.*

1/4/19

*RMB*

AGREED AND CONSENTED TO:

Sarah E. Paul  
Sarah E. Paul  
Assistant U.S. Attorney

Date

William J. Lovett  
William J. Lovett, Esq.  
Attorney for Richard Gaffey

Date

Richard Gaffey  
Richard Gaffey

1/4/19  
Date